



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 28 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jesse Bohman, Campaign Manager
The Committee to Elect Stephen A. Labate, Inc.
627 Pease Lane
West Islip, NY 11795

RE: MUR 6837
Grant Lally for Congress and
Christopher Nolan in his official
capacity as treasurer

Dear Mr. Bohman:

On October 23, 2014, the Federal Election Commission reviewed the allegations in your complaint dated June 2, 2014, and found that on the basis of the information provided in your complaint, and information provided by Grant Lally for Congress and Christopher Nolan in his official capacity as treasurer ("Committee"), there is no reason to believe that the Committee violated 52 U.S.C. § 30124 (formerly 2 U.S.C. § 441h). Accordingly, on October 23, 2014, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's finding is enclosed.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Grant Lally for Congress and Christopher Nolan
in his official capacity as treasurer

MUR: 6837

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Jesse Bohman, Campaign Manager for the Committee to Elect Stephen A. Labate, Inc. Complainant alleges that Grant Lally for Congress ("Committee") violated 11 C.F.R. § 110.16 by soliciting funds based on a fraudulent representation that Nassau County Executive Ed Mangano had endorsed Grant Lally in the Republican primary election in the Third Congressional District of New York. Because Mangano is not a federal candidate, the prohibition on fraudulent representation does not apply here.

II. ANALYSIS

The Act and Commission regulations prohibit any person from fraudulently representing the person as speaking for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations. 52 U.S.C. § 30124(b)(1) (formerly 2 U.S.C. § 441h(b)(1)); 11 C.F.R. § 110.16(b)(1). The Act and the regulations also prohibit candidates and their employees or agents from fraudulently misrepresenting themselves, or any other organization under the candidate's control, as speaking or otherwise acting on behalf of any other candidate or political party on a matter which is damaging to such other candidate or party. 52 U.S.C. § 30124(a)(1) (formerly 2 U.S.C. § 441h(a)(1)); 11 C.F.R. § 110.16(a)(1).

These provisions apply to a person fraudulently misrepresenting that such person is speaking on behalf of a *federal* candidate.¹ Additionally, the term “candidate” means “an individual who seeks nomination for election, or election, to *Federal* office.”² Mangano is a local elected official and is not a federal candidate, and thus neither provision of section 30124 (formerly section 441h) applies to the Committee’s conduct, even if the allegations are true.

Accordingly, the Commission found no reason to believe that Grant Lally for Congress and Christopher Nolan in his official capacity as treasurer violated 52 U.S.C. § 30124 (formerly 2 U.S.C. § 441h).

¹ See Explanation and Justification for 11 C.F.R. § 110.16, Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,968 (Dec. 13, 2002) (noting that section 30124(b) (formerly section 441h(b)) “prohibits a person from fraudulently misrepresenting that the person is speaking, writing or otherwise acting for, or on behalf of, a *Federal* candidate or political party, or an employee or agent of either, for the purpose of soliciting contributions or donations.” (emphasis added)).

² 52 U.S.C. § 30101(2) (formerly 2 U.S.C. § 431(2)) (emphasis added).